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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,211	07/26/2001	Pierre Andrei		7490

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Miles & Stockbridge P.C.
1751 Pinnacle Drive
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EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,211

Applicant(s)

ANDREI ET AL.

Examiner

CHAMELI C DAS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 have been canceled in the preliminary amendment filed on 7/26/01.
2. Claims 13-32 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 31 is rejected under 35 U.S.C. 101 because the claim is directed to non-statutory subject matter. In claim 31, "A configuration file" is not recorded in any computer readable medium and it is not statutory.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 contains the trademark/trade name "XML". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope

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is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe programming language and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 13-17, 19-26, 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Young, US 6,560,606.

As per claim 13, Young discloses:

- the method for creating one configuration file for at least one hardware and/or software object including parameters (Abstract, lines 9-15, col 2, lines 54-57)
- configuration file written using a descriptive ... to be configured (col 10, lines 4-8)
- said configuration file ... writing (col 10, lines 21-57)
- expanding the description file ... description file (col 2, lines 58-67, col 3 lines 1-25)
- extending at least one of the parameters... prior to the writing to the configuration file (col 2, lines 58-67, col 3, lines 1-25, col 5 lines 18-45).

As per claim 14, Young discloses:

- part of the model comprising ... not having a value (col 15, lines 20-37).

For claims 15, 24, (Young, col 10 lines 42-52).

For claims 16, 25,(Young, col 7 lines 52-60).

For claims 17, 26, (Young, col 2, lines 58-67, col 3, lines 1-25).

For claim 19, (Young, col 5 lines 20-40).

For claim 20, (Young, col 2, lines 58-67, col 3, lines 1-25).

For claims 21, 28(Young, col 3, lines 5-20).

For claims 22, 29, (Young, col 5, lines 25-45).

For claims 23, 30, (Young, col 17, lines 40-50, col 18, lines 15-20).

For claim 31, see the rejection of claim 13 above.

For claim 32, see the rejection of claim 14 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young, US 6,560,606 and further in view of official notice taken by the examiner.

As per claims 18, and 27, Young does not specifically disclose two key words, "Define" and "Defined". However, official notice is taken for the key words "Define" and "Defined. The modification would be obvious for one of the ordinary skill in the art would be motivated to implement the program efficiently.

Conclusion

7. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Method and apparatus for ordering data processing by multiple processing modules , US 6782531 B2

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TITLE: Architectures and methods for dividing processing tasks into tasks for a programmable real time signal processor and tasks for a decision making microprocessor interfacing therewith, US 5287511 A

TITLE: Language scoping for modular, flexible, concise, configuration descriptions, 5500881 A

TITLE: Method and system for transforming a textual form of object-oriented database entries into an intermediate form configurable to populate an object-oriented database for sending to java program, US 6598052 B1

TITLE: System, method and article of manufacture for an activity framework design in an e-commerce based environment, US 6718535 B1

TITLE: Method and system for java program storing database object entries in an intermediate form between textual form and an object-oriented form, US 6611844 B1.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli C. Das whose telephone number is (571) 272-3696. The examiner can normally be reached on 7-3:30 and examiner's supervisor Tuan Dam can be reached at (571) 272-3695.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
12/3/04.